

1 KEKER & VAN NEST LLP  
ROBERT A. VAN NEST - #84065  
2 [rvannest@kvn.com](mailto:rvannest@kvn.com)  
R. JAMES SLAUGHTER - #192813  
3 [rslaughter@kvn.com](mailto:rslaughter@kvn.com)  
R. ADAM LAURIDSEN - #243780  
4 [alauridsen@kvn.com](mailto:alauridsen@kvn.com)  
710 Sansome Street  
5 San Francisco, CA 94111-1704  
Telephone: (415) 391-5400  
6 Facsimile: (415) 397-7188

7 Attorneys for Defendant  
ELECTRONIC ARTS INC.

8  
9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION  
13

14 MICHAEL E. DAVIS, aka TONY DAVIS,  
VINCE FERRAGAMO, and BILLY JOE  
15 DUPREE, on behalf of themselves and all  
other similarly situated,

16  
17 Plaintiffs,

18 v.

19 ELECTRONIC ARTS INC.,

20 Defendant.

Case No. 10-CV-3328-RS

**STIPULATION AND [~~PROPOSED~~]  
ORDER RE: BRIEFING SCHEDULE  
AND HEARING DATE FOR  
DEFENDANT ELECTRONIC ARTS  
INC.'S MOTION TO DISMISS AND  
ANTI-SLAPP MOTION TO STRIKE**

Judge: Hon. Richard Seeborg

Date Comp. Filed: July 29, 2010

Trial Date: None

1 WHEREAS, on January 6, 2011, Defendant Electronic Arts Inc. ("EA") filed a Motion to  
2 Dismiss, Or, In the Alternative, Special Motion to Strike Pursuant to C.C.P. § 425.16 Plaintiffs'  
3 First Amended Complaint; and

4 WHEREAS, on January 26, 2011, the parties stipulated to and proposed to the court a  
5 continuance of the hearing on EA's motion in order to allow Plaintiffs time to propound  
6 discovery they believed necessary to oppose EA's anti-SLAPP motion; and

7 WHEREAS, on January 31, 2011, the Court denied without prejudice EA's motions,  
8 extended the period for EA to file a responsive pleading until June 9, 2011 and ordered EA not to  
9 set the hearing date for the responsive pleading before July 14, 2011; and

10 WHEREAS, the Plaintiffs' served written discovery on EA and the parties have met and  
11 conferred regarding Plaintiffs' proposed discovery but have been unable to resolve their  
12 differences regarding that discovery; and

13 WHEREAS, on April 28, 2011, Plaintiffs filed a motion to compel responses to discovery  
14 against EA; and

15 WHEREAS, on May 4, 2011, Magistrate Judge Ru set the hearing on Plaintiffs' motion  
16 to compel for June 16, 2011; and

17 WHEREAS, the parties have met and conferred and believe that the briefing schedule  
18 described below provides appropriate time for the motion to compel to be heard while allowing  
19 Plaintiffs sufficient time to oppose EA's motion to dismiss and anti-SLAPP motion to strike; and

20 WHEREAS, the agreed upon briefing schedule will not impact any other dates currently  
21 scheduled in this case;

22 THEREFORE, the parties hereby stipulate and propose as follows:

23 **STIPULATION**

- 24 1. EA will file its motion to dismiss and anti-SLAPP motion to strike on June 9,  
25 2011.
- 26 2. Plaintiffs' opposition to EA's motions shall be filed on or before July 21, 2011.
- 27 3. EA's reply to Plaintiffs' opposition shall be filed on or before August 4, 2011.
- 28 4. The hearing on EA's motions shall be heard on August 25, 2011, or as soon as

1 practicable thereafter as the availability of the Court's calendar permits.

2 Both parties agree to the stipulation as indicated by their signatures below. The parties  
3 respectfully request that the Court approve the stipulation. A form of Proposed Order is filed  
4 herewith.

5 R. James Slaughter, the filer of this stipulation, pursuant to General Order No. 45,  
6 Electronic Case Filing, Section 10(b), hereby attests that Brian D. Henri concurs in the filing of  
7 this stipulation.

8  
9 Dated: May 17, 2011

KEKER & VAN NEST LLP

10  
11 By: /s/ R. James Slaughter  
12 R. JAMES SLAUGHTER  
13 R. ADAM LAURIDSEN  
14 Attorneys for Defendant  
ELECTRONIC ARTS INC.

15 Dated: May 17, 2011

THOMAS WHITELAW & TYLER, LLP

16  
17 By: /s/ Brian D. Henri  
18 BRIAN D. HENRI  
19 Attorneys for Plaintiffs MICHAEL  
20 DAVIS, VINCE FERRAGAMO, and  
21 BILLY JOE DUPREE  
22  
23  
24  
25  
26  
27  
28

**[PROPOSED] ORDER**

The Court, having considered the parties' stipulation and good cause appearing,  
HEREBY ORDERS as follows:

1. EA will file its motion to dismiss and anti-SLAPP motion to strike on June 9, 2011.
2. Plaintiffs' oppositions to EA's motions shall be filed on or before July 21, 2011.
3. EA's replies to Plaintiffs' oppositions shall be filed on or before August 4, 2011.
4. The hearing on EA's motions shall be heard on August 25, 2011, or as soon as practicable thereafter as the availability of the Court's calendar permits.

**IT IS SO ORDERED.**

Dated: 5/17/11



HON. RICHARD SEEBORG  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF  
CALIFORNIA